

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Phyllis A. Huster,)	
)	
Plaintiff,)	No. 13-cv-06143
v.)	
)	Hon. Joan H. Lefkow
j2 Global Communication, Inc.,)	
Advanced Messaging Technologies,)	
Inc., Unified Messaging Solutions, LLC,)	
Acacia Patent Acquisition LLC, and)	
Charles R. Bobo II,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO
DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(3) AND 12(b)(6) AND TO
STRIKE REQUEST FOR DAMAGES UNDER FED. R. CIV. P. 12(f)**

Defendants j2 Global, Inc.¹ (“j2”), Advanced Messaging Technologies, Inc. (“AMT”), Unified Messaging Solutions LLC (“UMS”), Acacia Research Group LLC² (“Acacia”) and Charles R. Bobo II (“Bobo;” collectively, “Defendants”) respectfully submit this Motion to Dismiss Plaintiff Phyllis Huster’s (“Huster” or “Plaintiff”) Complaint pursuant to Federal Rule of Civil Procedure 12(b)(3) on the ground that venue is improper and under Federal Rule of Civil Procedure 12(b)(6), on the ground that Plaintiff’s claim is barred by laches as a

¹ j2 Global, Inc. is incorrectly named in the Complaint as “j2 Global Communication, Inc.”

² Acacia Research Group LLC is incorrectly named in the Complaint as “Acacia Patent Acquisition LLC.”

matter of law, and also to strike portions of the Prayer for Relief under Federal Rule of Civil Procedure 12(f).³

For the reasons set forth above and in Defendants' Memorandum submitted in support of this Motion, the Court should dismiss this case for improper venue and failure to state a claim, and strike Huster's request for damages.

Dated: October 28, 2013

Respectfully submitted,

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Advanced Messaging Technologies, Inc.*

³ In addition to this Motion brought jointly by all Defendants, Bobo is moving separately to dismiss the Complaint for lack of personal jurisdiction, and appears specially here without waiving his jurisdictional objections. j2 and Acacia are also moving separately to dismiss the Complaint on the ground that they are not proper defendants because they have no ownership interest in the Patents-in-Suit.

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CERTIFICATE OF SERVICE

I, William B. Berndt, an attorney, certify that the foregoing **Defendants' Motion to Dismiss Plaintiff Phyllis Huster's Complaint pursuant to Fed. R. Civ. P. 12(b)(3) and 12(b)(6) and to Strike Request for Damages under Fed. R. Civ. P. 12(f)** was filed electronically with the Clerk of the Court using the CM/ECF system on this 28th day of October, 2013, which will automatically send email notifications of such filing to all counsel of record.

/s/William B. Berndt